

APPROVED: Meeting No. 41-95

ATTEST: *Paula Jewell*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 23-95

April 24, 1995

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on April 24, 1995, at 7:30 p.m.

PRESENT

Mayor James F. Coyle

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan

Councilmember Rose G. Krasnow

Councilmember Nina A. Weisbroth

In attendance: Acting City Manager Rick Kuckkahn, City Clerk Paula Jewell, and City Attorney Paul Glasgow.

Re: City Manager's Report

1. On April 29, a seminar entitled "Americans With Disabilities Act, Addressing Your Concerns" will be held at the Montgomery College Institute for Technical Education, to help people understand the law and its affects on individuals with disabilities.
2. The City of Rockville's Recreation and Parks Division and various sponsors are getting ready for the Sixth Annual Fishing Derby and Tournament, on April 29, from 5:30 a.m. to 4:30 p.m. at the Watts Branch in Woottons Mill Park.

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3. The Rockville Seniors Center is in need of donations for its yard sale on April 29, from 8 a.m. to 1 p.m. Persons are invited to drop off their donations at the Senior Center. Proceeds from the event will go directly towards Senior Center improvements.

4. On April 30, the Rockville Consortium for Science will hold the annual Rockville Science Day at the Student Union Building Cafeteria at Montgomery College.

5. The City has received the Final Report on Public Education and Government Access Channels. Mr. Kuckkahn said he was pleased to report that the City received high marks in management, programming, and technical quality. A copy of the complete study is available in the City Clerk's Office.

6. The annual March for Parks, an Earth Day event, resulted in a nice turnout this year. The purpose of the March is to raise awareness and to raise funding which will be used for the park bench replacement program.

7. This year's "Art For A Steal" event to benefit Rockville Arts Place (RAP) will be held on May 19. Registrations can be obtained from RAP, and interested persons are encouraged to register early.

Re: Proclamation Declaring April 24-28, 1995 as **MUNICIPAL GOVERNMENT WEEK** in Rockville.

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Councilmember Weisbroth read and moved the Proclamation declaring April 24-28 as Municipal Government Week in Rockville. The City Clerk was asked to forward the Proclamation to the Maryland Municipal League.

Re: Proclamation Declaring the month of May as **OLDER AMERICANS MONTH** in Rockville.

Councilmember Dorsey read and moved the Proclamation declaring the month of May as Older Americans Month in Rockville. Helen Roberto, member of Rockville Seniors, Inc. and Marty Roney, Chair of the Senior Citizens Commission accepted the Proclamation.

Re: Presentation of Certificate of Appreciation to Pepco.

Zenayda Mostofi, Multicultural Liaison of PEPCO's Washington Office and Flora Cascio, Right Of Way Representative of PEPCO's Montgomery County regional office, accepted the Certificate of Appreciation on behalf of PEPCO which contributed \$2,800 and over 150 volunteer hours to the Hispanic Outreach Program at the Rockville Senior Center. Fred Beckner, a volunteer who teaches English to Russian and Hispanic seniors at the Senior Center, and the Russian students that were present in the audience, were introduced.

Re: Certificates of Appreciation to outgoing Board and Commission members Glennon Harrison (Planning Commission) and Robert Bender (Economic Development Council).

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A Certificate of Appreciation was presented to Glennon Harrison who is stepping down after serving out an unexpired term on the Planning Commission vacated by former Commissioner Jim Vitol. Mr. Harrison previously served full terms on the Planning Commission and the Traffic and Transportation Commission.

A Certificate of Appreciation was also presented to Robert Bender who served on the Economic Development Council since 1981 and chaired the Commission in 1991-1992. Mr. Bender was involved in drafting the City's first Economic Development Plan.

Re: Presentation by members of the
Senior Citizens Commission (SCC)
on upcoming White House Mini-
Conference on Aging.

Marty Roney, Chair of SCC introduced Commissioner Virginia Onley. Ms. Onley explained that every 10 years the White House sponsored a Conference On Aging. The Commission wrote to the White House and offered to serve as an official Mini White House Conference Convener. The Mini Conference was scheduled for April 28 at the Rockville Senior Center, and the topic was "Senior Citizens as Caregivers." Congresswomen Connie Morella and Senator Jennie Forehand are featured guest speakers. Ms. Onley said the participants would work out recommendations arising from conference discussions and forward these to the White House Conference in May.

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Re: Presentation of annual report on the
Rockville Emergency Assistance
Program (REAP).

Rev. Mansfield Kaseman, Executive Director, Community Ministries of Rockville (CMR), summarized the program's activities and then introduced Robert Jackson, Director the REAP Program of Community Ministries. Mr. Jackson said that it was essential to have an agency such as Community Ministries to assess the community's resources. He said the REAP program provided a congenial working relationship with churches and other organizations in the Rockville area that provided assistance to needy individuals and families in the City. He said that in the time of budget cuts on the federal and state level, it was reassuring to know that Rockville residents could rely on the Mayor and Council's promise to meet basic human needs.

Reverend Kaseman referenced CMR's 6-page report which documented REAP functions, goal statement, program operation, financial assistance recipients, and expenditure by month, amount, and persons served for the period January through December 1994. The Report concluded that in order to sustain the REAP program in a time of social and political change, it would be helpful to consider (a) promising that the basic human needs of Rockville residents would be met; (b) educating the public on the need and the public self-interest implicit in helping the most vulnerable; (c) making people aware of the cost effective nature of human service programs complimented by the character and credentials of human service providers to inspire people to believe in the viability of human service in Rockville; and (d)

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forming a community based coalition for the purpose of raising funds for REAP.

Re: Presentation by Rockville Center, Inc. (RCI) on the status of the Town Center Redevelopment Project.

Mark Troen, Vice President of RCI, presented the fourth in a continuing series of quarterly reports on the progress at Rockville Center. Mr. Troen pointed out a timelines for the various projects underway and those anticipated to start later in the year. Also shown were plans for the new park. Work on Maryland Avenue from Courthouse Square and to Middle lane is ongoing and will be finished by the end of June; this means the opening of the new Maryland Avenue, from Middle Lane to the intersection of the Courthouse Square down to the Judicial Center. Work on the remainder of Maryland Avenue will begin shortly thereafter. When the new Maryland Avenue is completed from Middle Lane to the Judicial Center, construction of the Courthouse Square area from the Victoria Condominiums, west to North Washington Street will begin in the third to fourth quarter of 1995. All of the streets in the new Courthouse Square areas should be completed during the fourth quarter of 1995. Construction on the park has already begun, forming the outline for the new walk and planter bed in the middle of the Square. Plants and trees will be planted during the Fall season. RCI anticipates that a decision on the fountain sculpture will be completed by the end of June and innstallation of the new fountain is expected in mid 1996.

Mr. Troen explained that demolition of the "big block," which included the

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large garage, began a month ago. RCI has maintained kept the perimeter of the structure intact in order to minimize dust and noise caused by the demolition. After the inside of the garage is finished, the actual edge of the garage will be demolished. Mr. Troen said that all of the structure will be demolished in the first quarter of 1996 and the office bridge demolition will take place in May. Reconstruction work will soon begin on Truck and Monroe Streets, the new stair and elevator project, and the promenade. It is anticipated that the design phase will be finished sometime in the beginning of the third quarter and each project will take approximately nine months. The promenade design work, funded by the grant received from former Governor Schaefer, will begin later in the year.

Mr. Troen noted that RCI's new owner, Essex Capital, has taken a more aggressive stand on the leasing and marketing of the retail pavilion. He said a marketing effort which will parallel the work being done will hopefully ensure that tenants will soon be in place. It is hoped that the construction of buildings will be included in future time charts.

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. Kelly Owens, 1018 Copperstone Court, a ten year old Rockville softball player, introduced her two brothers and asked for the Mayor and Council's help in obtaining league uniforms for the girls softball teams, which she noted, the boys baseball teams had, but not the girls soccer teams. City Manager Kuckkahn explained that the difference was in

sponsorship. The Rockville Baseball Association players had sponsors; however the City's softball leagues were not sponsored. The Mayor and Council asked that staff follow up on obtaining sponsorship in order to provide uniforms for the soccer teams.

2. Lih Young, 1121 Pipestem Place, said that in following up on her comments made at a previous meeting regarding the accountability of government as it relates to the search for a city manager, she did not feel the City of Rockville had been responsive to citizens. Mayor Coyle noted that Ms. Young's comments had been received and responded to by the City. She handed out another letter detailing additional comments on the search for a city manager, and the City Clerk was asked to make copies of the letter available to the Mayor and Council.

3. David Herson, 529 Anderson Avenue commented on the quick response of City staff to a water main break about six months prior. He said that additional repairs were also done at the time; however, a paving company had recently tore up the asphalt patch put in by the City and they left a hole present for more than two days in addition to leaving their heavy equipment which was still sitting in front of his house. He said that the Public Works Department did not seem to know who was responsible for tearing the street up. Mr. Herson commented that the City's Public Works Department had a large budget and he felt that better efficiency in the department was needed. Mr. Herson also said he disagreed with the City Manager's proposed FY 96 budget presentation that assessments were down in the City, and he asked for data to substantiate the fact. Mayor Coyle encouraged Mr. Herson to visit

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with the City Manager to gain an understanding of property assessments and the budget process.

4. William Meyer, 804 Leverton Road said contrary to what the previous speaker alleged, his own property values had decreased, and he said he hoped that the previous speaker would attend the upcoming budget public hearings. Mr. Meyer commented that he was happy to see that the smoothseal project was in process and would be completed before the end of the fiscal year. He said the City's monitoring of the smoothseal program has been lax in the past and if the City were to undertake a quality control review of the Public Works Department, this would be an area of concern. Also addressing a previous speaker's comments, Mr. Meyer said that he has always found the City to be open and responsive to suggestions and comments from its citizens. Mr. Meyer then asked that everyone observe a moment of silence for the victims of the Oklahoma City bombing and for the members of the Montgomery County Rescue Services, who went to Oklahoma to assist with rescue efforts.

Councilmember Dorsey asked that staff provide a simple language description of home/property values for the upcoming budget public hearings. Councilmember Weisbroth suggested that this type of information could be published in Rockville Reports.

Re: Appointments

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the following appointments were made to the Economic Development Council: Richard Stoner to the position of Chair, David Saltz as the Chamber of Commerce

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Representative, and Regina Zussman as an At-Large Member.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Joseph P. Doherty was appointed to serve on the Senior Citizens Commission.

Re: Approval of Minutes

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the Minutes of Meeting No. 08-95 (February 6, 1995) were approved as written.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the Minutes of Meeting No. 09-95 (February 7, 1995) were approved as written.

Re: Consent Agenda

Upon motion of Councilmember Dorsey, Item B was removed. Upon motion by Councilmember Krasnow, duly seconded and unanimously passed, the following Consent Agenda Item were approved.

A. Modification to Bid #78-94
To: Kalkreuth Roofing and Sheet Metal,
Inc.
Of: Frederick, Maryland
In the Amount of: \$26,400

For: Additional charges necessary for the re-roofing project of City Hall.

Re: (Item B) Introduction of Ordinance to amend Chapter 8 of the Rockville City Code entitled "Elections."

To amend and clarify the definition of a

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political action committee; to amend the reporting requirements by increasing the contribution and expenditure limits and by reducing the number of reports that are required to be filed; and to amend the penalty provisions in order to make certain violations municipal infractions rather than misdemeanors.

Councilmember Dorsey requested removal of Item B so that an explanation could be offered about the Ordinance. Mayor Coyle noted that a public hearing would be held on May 15 and depending on the comments received, the Ordinance would come back for adoption in late May. Councilmember Krasnow noted a Washington Post article regarding the identification of political/campaign literature. City Attorney Glasgow explained that an Ohio resident was cited for not having an authority line on political literature. The Supreme Court held that a lack of an authority line was not a violation of the statute and that the statute was inappropriate as it violated Freedom of Speech. Mr. Glasgow said that staff would obtain a copy of the Supreme Court opinion and present a synopsis of that case (McIntyre vs. Ohio Board of Elections) and its impact on the City's proposed ordinance at the Mayor and Council's public hearing.

Councilmember Krasnow noted that the proposed amendments to the Elections Ordinance would open up the election process to encourage greater participation by residents, and she encouraged individuals and homeowner associations to look at the proposed amendments and come forth at the May 15th public hearing if they have any comments.

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Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Ordinance was introduced.

Re: Adoption of Resolution to Approve
Exploratory Application for
Residential Townhouse
Development RTH95-0014,
Cambridge Communities, Inc.,
Applicant.

For 17 residential townhouse units
at 5910 Halpine Road.

Resolution No. 5-95

Mayor Coyle noted that a public hearing on the application was held March 20 and generally good feed-back was received, including testimony of support from the Twinbrook Citizens Association. Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the Resolution approving Exploratory Application RTH95-0014, was passed. A copy of the Resolution may be found in Resolution Book No. 11 of the Mayor and Council.

Re: Approval to deaccess the "Family
III" sculpture from the City's
permanent Art in Public Places
collection.

John Moser, Acting Chair of Cultural Arts Commission and George Northway, Chair of Art In Public Places Program Committee, presented background on the problems and costs associated with maintaining the sculpture "Family III" following many acts of

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vandalism. Mr. Moser said that the sculpture was commissioned as part of the construction of Woottons Mill Park and was therefore site specific under the Works of Art In Public Architecture Ordinance. He said the artist did not want to repair the sculpture if it remained at the current site, and the Commission recommended that the sculpture be deaccessioned from the City's permanent Art in Public Places collection because the expenses involved in restoring the sculpture were more than what the art cost.

The Mayor and Council suggested that the sculpture might be able to be disposed of by other means rather than destroying it, e.g., selling it at auction or donating it to the public. Mr. Kuckkahn and Recreation and Parks Director Burt Hall were asked to work with the CAC on the best way to dispose of the art.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the "Family III" sculpture was approved for deaccess.

Re: FYI/Correspondence

1. Mayor Coyle commented on the successful RBBA opening day. He also noted that the City had received a nice letter from Mrs. Johnson regarding the dedication of Dogwood Park's lower field to baseball 'Hall of Famer' Walter P. Johnson.

Re: New Business

1. Councilmember Krasnow said that discussion was needed on the Courthouse Square sculpture process. She noted that the two artists had been invited back to provide further comment on May 18th. At this point there seemed to be some question as to the use

of the committee the Mayor and Council established. The Cultural Arts Commission (CAC) felt that the advisory commission had made their recommendations and they did want the involvement of the advisory committee on the 18th however, they felt that the decision now belonged to the CAC.

Councilmember Krasnow said that the CAC provided her with a copy of the actual selection process for art works and the process was somewhat different because the project had a bigger price tag. The Mayor and Council put together an inclusive committee that involved the architect and two outside artists. Ms. Krasnow said that there seemed to be some disagreement as to whether the final decision would include a vote with the advisory committee or would it be strictly the CAC that forwarded a recommendation onto the Mayor and Council.

Mayor Coyle said his impression from the discussion that took place on April 8th, was that the Committee was advisory and the recommendation that would come to the Mayor and Council would be a decision of the Cultural Arts Commission and not the members of the advisory commission.

Councilmember Krasnow said she thought that the committee wanted to stay involved and depending on how much decision still to be made with the sculptures, she personally would like to see some of their involvement particularly if the Mayor and Council ended up selecting other components of the sculpture, e.g. the selection of quotes for houses, etc.

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Councilmember Weisbroth said that a dilemma would occur if the commission had a difference of opinion from the advisory committee. She asked if the committee could include a minority opinion about how the decision was arrived and how they interpreted the pieces versus how the commission arrived at their opinion. She said that this type of process would give the Mayor and Council a sense of what the best selection would be and would enhance the Mayor and Council's decision-making because they would have opinions from both groups.

Mayor Coyle stated that if the advisory commission members did not particularly like the choice of the CAC, or they felt strongly that the commission strayed away from their recommendation, they would inform the Mayor and Council.

Councilmember Marrinan said that he saw the committee as an advisory one, and as such, they were going to be advisory to the CAC and therefore it made sense for them to participate in the next phase but let the CAC make the decision.

2. Mayor Coyle asked whether the Mayor and Council should take a position on the difficulties that some municipalities were experiencing with cable PEG channels. Mr. Kuckkahn said that the Maryland Municipal League was monitoring the issue closely. News and Information Supervisor Doug Breisch added that a number of issues were addressed in a recent report dealing with other channels, and representatives from other entities were invited to Rockville to gain some advice and insight into how the City does its programming and what the City's priorities were. He said recommendations were set forth for exchanging and

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purchasing new equipment, and the City offered recommendations in this area. The City was involved in a PEG Operators Forum that addressed many of the concerns raised. Mr. Breisch explained that part of the franchise fee paid by Rockville residents paid for the administration of the franchise and the review of regulatory matters to ensure that current cable operations were preserved.

3. Mayor Coyle reported that four houses in the City were scheduled for work repairs through the "Christmas In April" Program scheduled on April 28.

4. Mayor Coyle suggested the Mayor and Council take a look at issues regarding homeowner associations and the responsibilities they assume when new developments were approved that require private roads to be dedicated back to the homeowner associations. He said other issues regarding the City's assumption of responsibilities which needed to be looked at included those dealing with maintenance, parking lot requirements, and stormwater management. Councilmember Marrinan said that as the City's planned residential developments aged, these issues would increasingly come before the Mayor and Council, and the matter could become a public safety issue for the City.

5. Councilmember Krasnow noted Mr. Meyer's earlier comments about the shocking tragedy in Oklahoma City; and she said that Rockville residents shared in the obvious sorrow and pain felt throughout the Country.

Re: Next Meeting

The Mayor and Council will meet in Worksession with the Rockville Housing

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Authority and Rockville Common Ownership Communities Association on Tuesday, April 25, 1995.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting adjourned at 10:05 p.m. to reconvene in Worksession on April 25 and in a Public Hearing on the FY96 proposed budget on Tuesday, May 2, 1995, at 7:30 p.m.